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Senate

The Senate met at 10 a.m. and was called to order by the Honorable BRIAN SCHATZ, a Senator from the State of Hawaii.

PRAYER

The PRESIDING OFFICER. Today's opening prayer will be offered by the guest Chaplain, Rev. Edward T. Kelaher, of All Saints Church, Chevy Chase, MD.

The guest Chaplain offered the following prayer:

Let us pray.

Father God, You alone are the sovereign Lord of this great Nation. Send Your Spirit among the men and women of this Chamber that Your will on Earth may be done as it is in Heaven.

People suffer, children hunger, laborers strain under their burdens, and those without a voice cry out in silence. Yet we stand before You at risk of doing little or nothing to comfort and relieve them unless our hearts are yielded to You alone. There is nothing we can do without You.

Give our Senators wisdom beyond human understanding, courage beyond their human hearts, and a sense of urgency and benevolence that matches Your own. Lord, as You hear the cries and prayers of Your people, enable our leaders by Your Holy Spirit to hear likewise in humility and charity.

We pray these words in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BRIAN SCHATZ led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication

to the Senate from the President pro tempore (Mr. LEAHY).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 14, 2013.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BRIAN SCHATZ, a Senator from the State of Hawaii, to perform the duties of the Chair.

PATRICK J. LEAHY,
President pro tempore.

Mr. SCHATZ thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Following my remarks, the Senate will resume consideration of the nomination of Senator Hagel to be Secretary of Defense.

Yesterday I filed cloture on the Hagel nomination. That vote will occur tomorrow morning.

HAGEL NOMINATION

Mr. REID. Mr. President, in less than 2 hours our country will be without a Secretary of Defense at a time when we have a war going on in Afghanistan and about 70,000 troops there. We have a nuclear weapon which was detonated in North Korea a few days ago. They are threatening, as they have publicly on other occasions, but after this bomb was set off, that they are doing it to attack us. We have this situation in Iran with all their very militaristic statements against us.

All over the world America is involved in matters dealing with our

military. I met the night before last in my office with the man who killed Osama bin Laden. I talked to him about his 16-year career as a SEAL and the places he went around the world protecting the interests of the United States. It wasn't just in Afghanistan, not only in Pakistan, but all over the world.

To think we have now in the Senate a situation where we are going to wind up without a Secretary of Defense at this time. We had all the talk—you know, we have some questions about Senator Hagel.

Keep in mind he is a Republican. They say: We have some questions to ask. But publicly a significant number of Republican Senators have said they would not filibuster.

Remember, there has never in the history of the country been a filibuster of a Defense Secretary nominee—never.

I needed to file cloture. Not all the shows, but a number of shows, attacked me last night. They said: We told REID and all these people we shouldn't have agreed to the rules changes because this is what we have going on.

I am ignoring that, but it is shocking that my Republican colleagues would leave the Nation without a fully empowered Secretary of Defense during all the things we have going on in the world, including a war. Several of my colleagues requested a letter from the President. A letter was sent at their request to the chairman of the committee, which is standard procedure, with Senator LEVIN answering all their questions.

They said: We need that letter so we may vote. One stall after another. I am told now that the letter was sent to the chairman of the committee, and that is not good enough. They want it sent to individual Senators.

This isn't high school getting ready for a football game or some play that is being produced at high school, we are trying to confirm somebody to run the defense of our country, the military of

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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our country. That letter was received yesterday about 4 o'clock, and now they have indicated they want something else.

A committee of jurisdiction, the Armed Services Committee, has extensive information on Chuck Hagel. They have as much information that is available on the Benghazi situation: testimony from administration officials, from multiple committees, and from an independent review board. Secretary Clinton testified; Secretary Panetta, who is going to be leaving his job in less than 2 hours; Chairman of the Joint Chiefs, Martin Dempsey; and others have all testified regarding the attack that claimed four American lives. Chuck Hagel had nothing to do with the attack in Benghazi. Stating the administration hasn't been forthcoming is outlandish.

There are serious consequences to this delay, consequences that are occurring right now.

The President is making some important decisions about Afghanistan. He announced to the world just a day or two ago that 34,000 troops will be coming home during the next year from Afghanistan. We are negotiating with the Afghan Government regarding how we will support them beyond 2014. Negotiations are going on right now.

I heard today from former Senator John Kerry that he is headed for the Middle East. Why? Syria. That is something else the Secretary of Defense has to be concerned about.

Next week while we are on recess—while we are on recess—they are having a NATO Defense Ministers meeting in Brussels about what to do to coordinate our approach on Afghanistan and the rest of our obligations as members of NATO. It is going to be somewhat unusual that the United States isn't represented by the Secretary of Defense. We will not have one if we don't get this done this week.

I am sure they are going to focus on how to end the war responsibly in Afghanistan, how our alliance will work together through the time of transition, and how we can ensure Afghanistan doesn't become a safe haven for al-Qaida again. We need a Secretary of Defense at that meeting. It sends a terrible signal to the hundreds of thousands of troops we have around the world and the military personnel in the United States that we are not going to have a Secretary of Defense.

Republicans are telling our troops: Well, you may have a leader later. What is going on in Europe, the Brussels conference, doesn't really matter.

It sends a terrible signal not only to our military personnel but to the world.

He has answered exhaustive questions about his record. He has the support of the President of the United States.

I heard a lot of speeches from the other side saying the President should have the right to choose whomever he wants. He has the support of this body,

the majority vote in this body, and this democracy. We are a nation at war. We are, whether we like it or not, the world's indispensable leader. We are.

For the sake of our national security it is time to put aside this political theater, and that is what it is. People are worried about primary elections. We know how the tea party goes after Republicans when they aren't conservative enough. Is that something they need to have on their resume: I filibustered one of the President's nominees? Is that what they want?

The filibuster of Senator Hagel's nomination is unprecedented. I repeat, not a single nominee for Secretary of Defense of our country has ever been filibustered—never, ever. As we all know, in a matter of days across-the-board cuts are going to take place, and it will affect defense to the tune of \$600 billion. Wouldn't it be nice if we had a Secretary of Defense to work things out?

Leon Panetta, after more than 30 years of service to this country—Congress, chairman of the Budget Committee, OMB, the President's Chief of Staff, head of the CIA, Secretary of Defense—after all these years has gone home to his farm, his family in California.

We do not have, as of 12 o'clock today, a Secretary of Defense. These across-the-board cuts are going to be very difficult. The Pentagon needs a leader to oversee and manage historic cuts and ensure they are made in a responsible way.

A moment about Hagel. He was an enlisted man in the Vietnam war. He didn't have to go; he enlisted. The story of Senator Hagel is not a legend, it is true. He was a heroic warrior. He was an infantryman. He saved his brother's life.

When he was a Senator here the picture he had was of him and his brother in Vietnam on a personnel carrier. He is proud of his service. He should be. He was wounded two times, an infantry squad leader, and a man of integrity and dedication who has a deep understanding of our national security establishment. This came not only from his military service but as a Senator, a member of the Foreign Relations Committee, and a member of the Intelligence Committee. He has been a member of the President's Foreign Intelligence Advisory Board.

At a time when America faces so many threats—I have outlined just a few of them—all across the world our Nation needs a man of Senator Hagel's combination of strategic and personal knowledge. We need a Secretary of Defense. It is tragic that they have decided to filibuster this qualified nominee. It is really unfortunate.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

A FAMILIAR SCENARIO

Mr. McCONNELL. In just 15 days significant across-the-board cuts are set to take effect unless the President and the Senate Democrats come up with a plan to replace them with smarter, targeted spending reductions. The President and the Senate majority have known about this deadline for more than a year. Yet here we are just days before the so-called sequester is set to hit, and a familiar scenario is playing out once again. It goes something like this:

Phase 1. Republicans identify a challenge and actually propose a solution.

Phase 2. Liberals sit on their hands until the last minute.

Phase 3. They offer some gimmicky tax hike designed to fail and then blame everybody else when it does.

Phases 1 and 2 have gone exactly according to plan. House Republicans proposed and passed plans to replace the sequester months ago. As if on cue, Senate Democrats have doggedly refused to consider any of them, much less offer any of their own. Here we are again at phase 3. That means it is now time for them to swoop in with the gimmick.

That is why our friends on the other side have been huddled behind closed doors with pollsters and PR spinmeisters. They have been busy devising the most appealing-sounding tax hikes they can think of.

Don't believe me? Just watch what happens now. Later today, Senate Democrats are expected to roll out the gimmick. Remember, this is not a solution. Even they know it can't pass. But that is the idea. It is a political stunt designed to mask the fact they have offered no solutions and don't plan to offer any solutions. It is a total waste of time.

For nearly 2 months, I have been coming to the floor to ask Senate Democrats to work with us on a bill that could pass both Houses of Congress. If they were the least bit serious about a solution, they have had more than a year to write a bill in committee, bring it to the floor, vote on amendments, get it to the House and fix this.

Instead, they have waited right up until the moment of crisis, just as they always do, and then they get together not with the goal of finding a solution but to hatch an escape plan aimed at making Republicans look like the bad guys. Their whole goal here isn't to solve the problem, it is to have a show vote that is designed to fail, call it a day, and wait for someone else to pick up the pieces.

My message this morning is quite simple: There won't be any easy off-ramps on this one. The days of eleventh hour negotiations are over. Washington Democrats have gotten used to Republicans bailing them out of their own lack of responsibility. But those days have passed. Look, they run the Senate; they run the White House. It is time they started acting like it.